MOTION FILED
DEC 18 1995

No. 95-83

IN THE

Supreme Court of the United States

OCTOBER TERM, 1995

ALAN MEGHRIG and MARGARET MEGHRIG,
Petitioners,

vs.

KFC WESTERN, INC.,
Respondent.

On Writ of Certiorari to the
United States Court of Appeals for the Ninth Circuit

MOTION FOR LEAVE TO FILE OUT-OF-TIME BRIEF *AMICUS CURIAE* FOR THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT SUPPORTING RESPONDENT

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COMES NOW The Bi-State Development Agency of The Missouri-Illinois Metropolitan District ("Bi-State") as Amicus Curiae, by and through its counsel, pursuant to Rule 30.4, and for its Motion for Leave to File Out-of-Time Brief *Amicus Curiae* supporting Respondent, states as follows:

1. Bi-State delivered its *amicus curiae* brief supporting Respondent to the Court's Clerk by First-class mail, postage

prepaid and bearing a postmark showing that the document was mailed on or before 3:00 p.m. on December 8, 1995, the last day for filing of amicus briefs supporting Respondent , in conformity with Rule 29.2

2.. Bi-State was informed thereafter by the Court's Clerk that this matter previously had been placed upon an expedited docket to which Rule 29.2 did not apply.

3. Prior to the mailing of its brief, Bi-State was unaware that Rule 29.2 did not apply in this matter, as a result of a miscommunication between Bi-State and the parties to this action.

4. No party or amicus curiae to this matter would suffer unfair prejudice if the Court grants Bi-State's Motion to File Out-of-Time.

WHEREFORE, The Bi-State Development Agency of The Missouri-Illinois Metropolitan District as *amicus curiae* respectfully requests this Honorable Court to grant Bi-State's Motion herein and order that the brief for The Bi-State Development Agency of The Missouri-Illinois Metropolitan District as *amicus curiae* supporting Respondent be received out-of-time.

Respectfully submitted,

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